

Notice of Allowability

Application No.

10/616,570

Examiner

Walter F. Briney III

Applicant(s)

GEDDES, EARL ROSSELL

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 28 September 2005.
2. ☒ The allowed claim(s) is/are 1 and 3.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claims

The status of **claim 3**, filed on 28 September 2005, is incorrect; please replace the text "(Previously Presented)" in line 1 with the text "(Currently Amended)".

Claims 2 and 4, filed on 28 September 2005, include erroneous markings to indicate amendments to the claims even though these claims are cancelled. In correction, please replace claims 2 and 4 as follows:

Claim 2 (Cancelled).

Claim 4 (Cancelled).

Drawings

Please amend drawing sheets 1 and 2, filed on 28 September 2005, such that the phrase "REPLACEMENT SHEET" is provided in the same manner as drawing

sheets 3 and 4, filed on even date therewith. In this way, drawings sheets 1-4, filed on 28 September 2005, wholly replace all previous drawing sheets.

Amend the remarks section, filed 28 September 2005, to include the sentence: "drawing sheets 1-4, filed on 28 September 2005, hereby replace all previous drawing sheets, and incorporate the claimed subject matter objected to in the Office Action filed 02 August 2004 as being not shown" at line 2.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

1. Claims 1 and 3 are allowed.

Claim 1 is limited to "an acoustic waveguide." While Adamson generally discloses the obviousness of combining bounding surfaces in column 2, lines 45-60, it is noted that this passage of Adamson does not specifically state that two different bounding surfaces could be shaped together. At most, Adamson merely invites the practitioner of ordinary skill to experiment without providing any reason or motivation as to why such an experiment would provide an advantage over the prior art. In this way, Adamson fails either anticipate or make obvious all limitations of the claim; specifically, the combination of "a first section...that is substantially elliptic cylinder and whose output is directly connected to [a] second section, which is substantially prolate spheroidal." Thus, claim 1 is allowable over Adamson.

In allowing claim 1, further notice is taken of Kinoshita, whom teaches a horn type loudspeaker. See Abstract thereof. The horn type loudspeaker of Kinoshita comprises two sections that generally correspond to the elliptical cylinder and prolate spheroidal sections of the recited "waveguide." With respect to the claims, the section of figure 2 between markers W_1 and W_2 corresponds to the "first section" while the remainder of wall 6 that projects outward corresponds to the "second section." However, Kinoshita fails to specifically identify the coordinate system used to generate the shapes of the two sections. Thus, claim 1 is allowable over Kinoshita.

Claim 3 is limited to "the waveguide of claim 1," and thus, is allowable over the cited prior art for at least the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F. Briney III whose telephone number is 571-272-7513. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WFB



SINH TRAN
SUPERVISORY PATENT EXAMINER